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2
   District of Arizona
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8
                       UNITED STATES BANKRUPTCY COURT
9
                        FOR THE DISTRICT OF ARIZONA
10
   In re:
                                       Chapter 11
11
    STEVE PANDI, and
                                       No. 2:16-bk-11585-SHG
    EILEEN A QUEZADA,
12
                                       UNITED STATES TRUSTEE'S
                                       REPLY TO DEBTORS' OBJECTION TO
13
                                       MOTION TO CONVERT OR DISMISS
14
                       Debtors.
                                       Hearing Date:
                                                          March 30, 2017
                                                          2:30 p.m.
                                       Hearing Time:
                                                          230 N. 1<sup>st</sup> Ave.
15
                                       Place:
                                                          Ctrm. # 601
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              The United States Trustee for the District of Arizona,
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    Region 14 ("UST"), by and through counsel undersigned, hereby
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    submits her Reply to the Debtors' objection to the UST's Motion
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    to Convert or Dismiss.
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                    The Debtors' Objection was late-filed, on March
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    29, 2017 at 9:57 p.m., fewer than 15 hours before the hearing<sup>1</sup>,
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    despite the fact that it was required to be filed no later than
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   March 23rd. See docket number 132.
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   <sup>1</sup> See docket number 150
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- 2. The Debtors have underpaid quarterly fees. The amount due for the 4<sup>th</sup> quarter of 2016 is \$650, not \$325, based upon the Debtors' disbursements of \$40,0110.27 for the 4<sup>th</sup> quarter of 2016. Disbursments under \$15,000 call for a quarterly fee liability of \$325. This is something that both the Debtors and counsel for the Debtors know; quarterly fees are always discussed at the Initial Debtor Interview ("IDI") and the Meeting of Creditors; moreover, instructions and forms concerning same are provided to the Debtors and their counsel at the IDI.
- 3. The Debtors' three delinquent Monthly Operating Reports, for December 2016, January 2017 and February 2017, discussed in the UST's Motion to Convert or Dismiss, were substantially late-filed, on March 27, 2017, only 6 days ago.
- 4. The Debtors have still not filed a disclosure statement and plan, despite testifying at the November 8, 2016 Meeting of Creditors (conducted by the undersigned) that they would file a plan by the end of 2016.
- 5. The Debtors' schedules reveal that there is no equity in any of their real properties, so there is only one way that the Debtors can fund a plan through business earnings and rental income. However, as demonstrated in the chart below, the Debtors' Monthly Operating Reports reveal that they have earned

virtually no income during the pendency of this case, only \$1,362.53, or \$272.51 per month.<sup>2</sup>

Month	Profit/Loss
October, 2016	\$ 3,943.76
November, 2016	(4,398.07)
December, 2016	39.59
January, 2017	1,059.99
February, 2017	717.26
TOTAL	\$1,362.53

WHEREFORE, the United States Trustee respectfully requests that the Court either dismiss this case or convert it to a case under Chapter 7.

RESPECTFULLY SUBMITTED this 30th day of March, 2017.

ILENE J. LASHINSKY United States Trustee District of Arizona

CHRISTOPHER J. PATTOCK Trial Attorney

 $<sup>^{2}\ \</sup>textit{See}\ \textit{docket}\ \textit{numbers}\ 105\ \textit{and}\ 143-146\,,\ \textit{at page}\ 4\,.$ 

1	Copies of the foregoing sent by e-mail	
2	on the 30th day of March, 2017, to:	
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